



WEB COPY



W.P. No. 36289 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 36289 of 2023

and

W.M.P. Nos. 36273 and 36274 of 2023

Rasu

... Petitioner

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai – 600 034.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Erode.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Namakkal,
Namakkal District.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Paramathi Velur,
Namakkal District.
5. The Executive Officer (Thakkar),
Arulmigu Aerikarai Muniyappan Kottaiyanna Samy Thirukovil,
Paramathi Velur Taluk,
Paramathi,
Namakkal District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the Third Respondent vide his proceedings in Se. Mu. Nada. Na. Ka. 6342/2023/A6 dated 26.10.2023 and quash the same and consequently forbear the Respondents from interfering with the affairs and administration of the temples, viz., Arulmigu Aerikarai Muniyappan Kottaiyanna Samy Thirukovil & Arulmigu Alagu Nachiamman Thirukovil situated at Paramathi, Paramathi Velur Taluk, Namakkal District.

For Petitioner : Mr. M.Saravanan

For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader

ORDER

Heard Mr. M.Saravanan, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner has filed this Writ Petition ventilating his grievance that Fit



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Person has been appointed for the Temple of the Fifth Respondent when the post of Trustee is vacant, which infringes upon the right to freedom of religion guaranteed under Article 25 of the Constitution of India, 1950, to the worshipers of that Temple.

3. It is informed by Learned Special Government Pleader appearing for the Respondents that tenure of the sole Trustee of the Temple of the Fifth Respondent, viz., Dharmaligam, for two years had ended on 23.12.2022 and thereafter, as the thiruppani works of the Temple would have to be undertaken, the Fifth Respondent was appointed as its Fit Person and expeditious steps are being taken for filling up the post of Trustee of the Temple of the Fifth Respondent within a period of three months.

4. In such circumstances, there is no necessity to interfere with the impugned order, but it shall be incumbent upon the concerned authorities to ensure that the appointment to the post of Trustee of the Temple of the Fifth Respondent is made by 30.04.2024 following the prescribed procedure in accordance with law.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

10.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.03.2024.

vjt

To

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
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Chennai – 600 034.
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Hindu Religious and Charitable Endowments Department,
Erode.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Namakkal,
Namakkal District.
4. The Inspector,
Hindu Religious and Charitable Endowments Department,
Paramathi Velur,
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P.D. AUDIKESAVALU, J.

vjt

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